

Rep. Exh. 6-6
(4-22-82-EP)

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Copy w/ Deere

MOTOR VEHICLE PARKING AND TRAFFIC CONTROL

An Act to Repeal Ordinance 2, enacted October 1, 1951, dealing with racing, riding and driving through the streets in an unusual manner or an immoderate rate of speed; Ordinance 5, enacted on October 11, 1951, dealing with the operation of vehicles upon or across sidewalks; Ordinance 10, enacted October 1, 1951, dealing with the parking of vehicles on the public streets and also dealing with the speed on various streets and providing penalties for violation of same; Ordinance 14, enacted on October 1, 1951, dealing with the prohibition, limitation and restriction of parking of motor vehicles or other vehicles on certain designated streets and avenues in the business area in the town of Upper Marlboro, and also dealing with the installation, operation, maintenance, supervision and control of parking meters, devising and providing for establishment of parking zones on public streets and avenues, establishing the rate of charge of parking within parking meter zones and installation and maintenance thereof and providing penalties for violation of same, and providing for the repeal of all, Ordinances or resolution theretofore enacted which were in conflict with said Ordinance 15, enacted on October 1, 1951, providing penalties for violation of Ordinances 1, 2, 3, 4, 5, 6, 7, 8, 9 and 11; and Ordinance 23, enacted July 1, 1963, dealing with parking, stopping and standing of motor vehicles on certain streets; and to enact new Ordinance 76-1, providing for the regulation of the stopping, standing or parking of vehicles, the regulation of speed of vehicles, and the penalties for violations of the same and relating generally to vehicle parking and traffic control within the corporate limits of the town of Upper Marlboro

SECTION I. BE IT ENACTED AND ORDAINED by the Board of Commissioners for the town of Upper Marlboro that Ordinance 2, Ordinance 5, Ordinance 10, Ordinance 14, Ordinance 15 and Ordinance 23 be and are hereby repealed.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED by the Board of Commissioners for the town of Upper Marlboro that a new ordinance, Ordinance 76-1 be and is hereby enacted.

The Ordinance will be kept on file at the Office of the town of Upper Marlboro. A copy will be on file in the County Library on Main Street in Upper Marlboro. A copy will be posted on the door of the Office of the town of Upper Marlboro for two weeks in April of 1976.

Def. 6-7 C-7- not in file
(9-22-82-G.P.)

MOTOR VEHICLE PARKING AND TRAFFIC CONTROL

(ORDINANCE 76-1)

ARTICLE 1 - IN GENERAL

SECTION 1 -1. General Provisions

The provisions of this Ordinance are intended to be in addition to and supplementary to the provisions of Article 66-1/2 of the Annotated Code of Maryland, 1975 Edition, as amended, and in accordance with authority specifically granted by Article 66-1/2 Section 16-109.1.

SECTION 1 -2. Definitions

Whenever in this Ordinance the following terms are used, they should have the meanings respectively ascribed to them in this Section.

"Authorized emergency vehicle": Police vehicles, vehicles of the fire department, ambulances, vehicles carrying a state, county or municipal officer employee in response to an emergency call, and emergency vehicles of public service corporations on an emergency call.

"Bicycle": Every device propelled by human power upon which any person may ride, having two tandem wheels either of which is more than twenty (20) inches in diameter.

"Commercial vehicle": Every vehicle designed, maintained or used primarily for the transportation of property.

"Crosswalk": That portion of the roadway included within the prolongation of the sidewalk lines at street intersections.

"Driver": Every person who drives or is in actual physical control of a vehicle.

"Intersection": The area embraced within the prolongation of the property lines of two or more streets which join at an angle, whether or not such streets cross.

"Motorcycle": Every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a tractor.

"Motor vehicle": Every vehicle which is self-propelled, but not operated upon rails.

"Official traffic control devices": All signs, signals, markings, and devices not inconsistent with this Ordinance placed or erected by authority of a public body or official having jurisdiction, for the purpose of regulating, warning or guiding traffic.

"Operator": Every individual who shall operate a vehicle as the owner thereof, or as the agent, employee or permittee of the owner, or in actual physical control of a vehicle.

"Park or parking": To stand a vehicle whether occupied or not, for a period of time greater than is reasonably necessary for the actual loading or unloading of persons.

"Parking meter": Any mechanical device or meter not inconsistent with this Ordinance placed or erected for the regulation of parking by authority of this Ordinance. Each parking meter installed shall indicate by proper legend the legal parking time established by the Town and when operated shall at all times indicate the balance of legal parking time, and at the expiration of such period shall indicate illegal or overtime parking.

"Parking meter space": Any space within a parking meter zone, adjacent to a parking meter and which is duly designated for the parking of a single vehicle by lines painted or otherwise

durably marked on the curb or on the surface of the street adjacent to or adjoining the parking meters.

"Parking meter zone": Any restricted street upon which the parking meters are installed and in operation.

"Pedestrian": Any person afoot.

"Person": Any individual, firm, co-partnership, association or corporation.

"Police officer": Every officer of the municipal police department or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Private road or driveway": Every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Right of way": The privilege of the immediate use of the roadway.

"Sidewalk": That portion of a street between the curb line or roadway and the adjacent property line designated for pedestrian use.

"Street": The entire width between property lines or every way or place of whatever nature when any part thereof is open to the use of the public, as a matter of right, for the purpose of vehicular traffic.

"Stop, stopping or standing": When prohibited means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or traffic control sign or signal.

"Traffic": Pedestrians, ridden or herded animals, vehicles and other conveyances whether singly or together while using any highway for the purpose of travel.

"Vehicle": Every device in, upon or by which any person or property is or may be transported or drawn upon a highway except devices moving by human power or used exclusively upon stationary rails or tracks.

SECTION 1 -3 General Procedure

In all cases of parking violations, the police officer who discovers the vehicle illegally parked shall deliver a citation to the operator or, if the vehicle is unattended, attach a citation to the vehicle in a conspicuous place.

In the absence of the operator, the registered owner of the vehicle shall be presumed to be the person receiving the citation. A copy of the citation shall be retained by the police officer and shall bear his certification under penalty of perjury attesting to the truth of the matter therein set forth. The recipient of a citation may make payment for the violation directly to the Town of Upper Marlboro or, if he desires to stand trial for said offense, may elect to do so by notifying the Town of Upper Marlboro of his intention to stand trial within five (5) days from the date the citation was issued. At the time the notice of intention to stand trial is given, the person receiving the citation must also notify the Town of Upper Marlboro that he desires the presence, at trial, of the police officer who issued the citation. If the person receiving the citation does not notify.

the Town of Upper Marlboro that he desires the presence of the police officer at the trial, it shall not be necessary that the police officer appear and the copy of the citation bearing the certification of the officer shall be prima facia evidence of the matter therein set forth.

ARTICLE 2- OFFICIAL TRAFFIC CONTROL DEVICES, LOCATIONS

SECTION 1-4 Authority of the Board of Commissioners

The Board of Commissioners, by adoption of this Ordinance and by amendments thereto, shall determine the necessity for and have the authority to designate stop and yield intersections, to designate one-way streets, to restrict and regulate turning movements, to restrict and regulate stopping, standing or parking, and to regulate the speed of vehicles on any street; provided, however that the Chairman of the Board may order temporary control or regulation of vehicular movement and parking in the event of an emergency situation, or to accommodate street repairs, parades or other special events, whenever such actions are deemed necessary for the safety of the public.

SECTION 1-5 Maintenance of Official Traffic Control Devices

The Town Maintenance Supervisor shall place and maintain official traffic control devices on any street when and as required by the Board of Commissioners under the provisions of this Ordinance to make effective the provisions of this Ordinance, and he shall place and maintain such additional official traffic control devices deemed necessary by the Chairman of the Board to regulate, warn or guide traffic on any public street within the Town.

SECTION 1-6 Uniformity and Compliance of Official Traffic Control Devices

All traffic control devices placed within the Town shall conform so far as practical to the standards set forth in the current edition of the "Manual of Uniform Traffic Control Devices

for Streets and Highways", published by the Federal Highway Administration, and exceptions or amendments thereto adopted by the Maryland State Highway Administration. All traffic control devices so placed shall be official traffic control devices. Whenever official traffic control devices are placed in position approximately conforming to the requirements of this Ordinance, such devices shall be presumed to have been so placed by the official act or discretion of lawful authority, unless the contrary shall be established by competent evidence. Any official traffic control device placed pursuant to the provisions of this Ordinance and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this Ordinance, unless the contrary shall be established by competent evidence.

(ORDINANCE 76-1)

ARTICLE 3 - PARKING METERS

SECTION 1 -8 Designation of parking meter zones

Parking meter zones are hereby established along the following designated streets in the business area of the Town of Upper Marlboro:

1. The South side of Main Street and Pratt Street from the alley adjacent to the Marlboro Hardware Supply Company to the intersection of Main Street and Pratt Street and continuing along the South side of Pratt Street to the intersection of the street leading from Pratt Street to Douglas Street.
2. The East and West side of Water Street from the intersection of Main Street to the intersection of Church Street.
3. The North and South side of the portion of Elm Street constructed in 1975 and 1976.

SECTION 1 -9 Marking off of individual parking spaces

The Town maintenance supervisor shall mark off individual parking spaces in the parking meter zones designated and described in Section 10-8. Such parking spaces shall be designated by lines painted or durably marked on the curb or surface of the street.

SECTION 1 -10 Deposit of coins generally and setting operating of timing mechanism of meter

Subject to the provisions of this Ordinance, and except in a period of emergency determined by an officer of the fire department or police department, or in compliance with the directions of a police officer or traffic-control sign or signal, when any vehicle is parked in any parking space alongside or next to which a parking meter has been installed as provided in Section 1 -8,

the operator of such vehicle shall, upon entering such parking space, immediately deposit or cause to be deposited in the parking meter in question such proper coin of the United States as is required for such parking meter and as is designated by proper directions on the meter and, when required by the directions on the meter, the operator of such vehicle, after the deposit of the proper coin or coins, shall also set in operation the timing mechanism on such meter, in accordance with directions properly appearing thereon, and failure to deposit such proper coin and to set the timing mechanism in operating when so required shall be unlawful. Upon the deposit of such coin and the setting of the timing mechanism in operation when so required, the parking space in question may be lawfully occupied by such vehicle during the period of time which has been prescribed for the parking lot or part of the street in which said parking space is located.

SECTION 1 -11 Installation of parking meters

In the parking meter zones designated and described in Section 1 -9, the Town maintenance supervisor shall cause parking meters to be installed upon the curb or sidewalk immediately adjacent to the parking spaces marked off as provided in Section 1 -9, such parking meters to be placed not more than two feet from the curb nor more than four feet from the front line of the parking space as marked off.

SECTION 1 -12 Responsibility of Chief of Police as to parking meters

The Chief of Police shall be responsible for the regulation, control, operation, maintenance and use of parking meters installed as provided in Section 1 -11.

SECTION 1 -13 Display of signals by parking meters

Each parking meter, installed as provided in Section 10-11 shall be so arranged as to display a signal showing legal parking upon the deposit of the appropriate coin or coins, lawful money of the United States of America, for the period of time prescribed by this division. Each such parking meter shall be so arranged that, upon the expiration of the lawful time limit, it will indicate by a proper visible signal that the lawful parking period has expired and, in such cases, the right of such vehicle to occupy the parking space adjacent to the meter shall cease and the operator, owner, possessor or manager thereof shall be subject to the penalties provided.

SECTION 1 -14 When deposit of coins required, parking time limits and rates in parking meter zones

Between the hours of 8:00 a.m. and 6:00 p.m. every day in the week, except Sundays and State holidays, it shall be unlawful for any person to cause, allow or permit any vehicle registered in his name or any vehicle under his control to be or remain parked in any parking space, marked off as provided in Section 1 -9, in a parking meter zone, designated and described in Section 1 -8, for any period of time without first making the required deposit in the parking meter adjacent to such space.

The amount required to be deposited in the parking meters shall be set by the Board of Commissioners by Resolution as from time to time may be required.

SECTION 1 -15 Parking in parking space where meter indicates unused parking time therein

A person parking a vehicle in a parking space adjacent to a parking meter installed as provided in Section 1 -11 which

indicates that unused time has been left in the meter by the previous occupant of the space shall not be required to deposit a coin so long as his occupancy of such space does not exceed the indicated unused parking time. If such vehicle shall remain parked in any such parking space beyond the parking time limit set for such parking space and if the meter shall indicate such illegal parking, then and in that event, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be deemed to be unlawful.

SECTION 1 -16 Allowing vehicle to be parked overtime; deposit of coin for purpose of parking beyond maximum legal parking time

It shall be unlawful for any person to cause, allow, permit or suffer any vehicle registered in the name of, or operated by such person, to be parked overtime or beyond the period of legal parking time established for the parking space in question or to deposit in any parking meter any coin for the purpose of parking beyond the maximum legal parking time for the parking meter zone or space.

SECTION 1 -17 Parking across lines of, or not entirely within, parking space

It shall be unlawful for any person to park any vehicle across any line or marking of a parking space marked off as provided in Section 1 -9 or in such position that the vehicle shall not be entirely within the parking space designated by such lines or markings.

SECTION 1 -18 Occupation of parking space for loading or unloading of commercial vehicle

The loading or unloading of a truck, van or other commercial vehicle may be conducted for a reasonable period at any one time

on a parking space adjacent to which a parking meter has been installed under this Ordinance without the deposit of a coin in such meter.

SECTION 1 -19 Defacing, injuring, etc., parking meters

It shall be unlawful for any person to deface, injure, tamper with, open or wilfully break, destroy or impair the usefulness of any parking meter installed under the provisions of this division.

SECTION 1 -20 Depositing slugs, etc., in parking meters

It shall be unlawful for any person to deposit or cause to be deposited in any parking meter installed under the provisions of this division any slug, device or metal substance or other substitute for lawful coins.

SECTION 1 -21 Collection of money deposited in parking meters

The Chief of Police shall designate some member of the Police Department or Town employee to make regular collections of the money deposited in parking meters installed under the provisions of this division. Such member shall remove the coins deposited in such meters and deliver such coins to the City Clerk-Treasurer or designated bank of deposit.

SECTION 1 -22 Counselling, aiding or abetting violation of division

It shall be unlawful for any person to counsel, aid or abet any violation of this Ordinance or failure to comply with this Ordinance.

SECTION 1 -23 Prima facie responsibility of owner of vehicle parked in violation of this Ordinance.

The owner of any vehicle parked in violation of, or failing to comply with, this division shall be prima facie responsible for such violation or failure to comply.

SECTION 1 -24 Construction and purpose of division generally

This Ordinance shall be deemed and construed to be an exercise of the police power of the Town for the preservation and protection of public safety and for the regulation of parking.

All of the provisions of this Ordinance shall be liberally construed with a view to the effectuation of such purpose. The provisions of this division are adopted for the public convenience.

SECTION 1 -25 Additional and independent method of enforcement of certain parking regulations - Report of violations, etc.

With reference to parking meter zones where parking meters are installed as provided in Section 1 -11, it shall be the duty of the police officers or other duly designated employees of the Town to submit to the Town Clerk-Treasurer a written report of each violation of or failure to comply with, the parking requirements of this division, which report shall state:

(a) The number of the parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parked in violation of any of the provisions of this division.

(b) The state license number of such vehicle.

(c) The date and approximate time of such violation.

(d) Any other facts, a knowledge of which is necessary to a thorough understanding of the circumstances attending the violation.

SECTION 1 -26 Same - Attachment of notice to vehicle

A police officer or other duly designated employee making a report, shall attach to the vehicle in question a notice to the owner thereof that such vehicle has been parked in a manner that

violates or fails to comply with the provisions of this Ordinance and notifying them that he may pay the correct sum as directed on the reverse side of the notice.

The procedures for paying fines, standing trial, etc., shall be set by the Board of Commissioners by resolution as from time to time may be required.

SECTION 1 -27 Same - Numbering of reports and notices; blank reports to be accounted for

The reports and notices provided in Sections 1 -25 and 1 -26 shall bear corresponding serial numbers. All blank reports issued shall be accounted for by the respective police officers or duly designated employees.

SECTION 1 -28 Same - Payment in lieu of prosecution

If, upon receipt of a notice as provided for in Section 1 -26 the owner or operator of the vehicle in question shall pay the appropriate sum pursuant to the directions on the reverse side of the notice, no action will be taken to prosecute the owner for the violation appearing on the notice.

added
8/13/91
Ord 91-1 (further amended by Resolution 92-1)

SECTION 1 -29 RESERVED Handicapped Parking

SECTION 1 -30 RESERVED

SECTION 1 -31 RESERVED

(ORDINANCE 76-1)

ARTICLE 4 - STOPPING, STANDING, PARKING AND SPEEDING

SECTION 1 -31 Parking Where Prohibited

Except when necessary to avoid conflict with other traffic, or in compliance with law or the directions of a police officer or official traffic control device, no person shall:

SECTION 1 -31.1 Stop, Stand or Park a Vehicle:

- (i) In front of or within five (5) feet of the entrance of a public driveway;
- (ii) On a sidewalk;
- (iii) Within an intersection;
- (iv) On a crosswalk;
- (v) Between a safety zone and the adjacent curb or within thirty (30) feet of points on the curb immediately opposite the ends of a safety zone;
- (vi) At any place an official sign prohibits parking.

Added 7/10/90 (VII). In a designated Fire Lane

SECTION 1 -31.2 Stand or Park a Vehicle Whether Occupied or not, Except Momentarily to Pick up or Discharge Passenger or Passengers:

- (i) In front of or within five (5) feet of a private driveway except with the consent of the owner or occupant of the premises.
- (ii) Within six (6) feet of a fire hydrant;
- (iii) Within twenty (20) feet of a crosswalk or intersection except in a parking meter zone;
- (iv) Within thirty (30) feet upon the approach of any flashing signal, stop sign, yield sign, or traffic control device located at the side of a roadway or street;

(v) Within twenty (20) feet of a driveway entrance to any fire station or on the side of the street opposite the entrance to any fire station within seventy-five (75) feet of said entrance when properly posted with sign or signs;

(vi) At any place an official sign prohibits standing;

(vii) On the roadway side of any vehicle stopped or parked at the edge or curb of a street;

(viii) On a curve or the brow of a hill where solid lines indicating a no-passing zone appear on the surface of a road.

SECTION 1 -31.3 Park a Vehicle, Whether Occupied or not Except Temporarily for the Purpose of and While Engaged in Loading or Unloading Merchandise or Passengers:

(i) At any place where an official sign prohibits parking;

(ii) Unless handicapped, in a space or zone properly marked as restricted for the use of handicapped persons;

(iii) To park a vehicle whether occupied or not at any entrance, alley, driveway, crosswalk, intersection or curve where the curb is painted yellow.

SECTION 1 -32 Manner of Parking Generally:

(i) Except as otherwise provided in this ordinance, every vehicle stopped or parked upon a two-way street or roadway shall be stopped or parked with the right hand wheels parallel to and within twelve (12) inches of the right hand curb or edge of the roadway;

(ii) Parking, stopping, standing on private property:

No person shall stop, stand or park a vehicle on any private property not owned by the driver or owner of the vehicle after he has been requested by the property owner, his tenant, or agent, to remove the vehicle from the premises or if the said property is properly posted as to no stopping, standing or parking.

SECTION 1-33 Leaving vehicle on the street for continuous period longer than forty-eight hours.

No vehicle shall be left unattended upon any street in the Town of Upper Marlboro for a continuous period longer than forty-eight hours.

SECTION 1-34 Maximum speed

(i) No person shall operate any motor vehicle upon any roadway, street or alley in the Town of Upper Marlboro at a speed greater than reasonable or prudent or at a rate of speed greater than twenty-five (25) miles per hour.

(ii) No person shall operate a motor vehicle on Rectory Lane, School Street, or Wilson Lane in the Town of Upper Marlboro at a speed greater than reasonable or prudent or at a rate of speed greater than fifteen (15) miles per hour.

SECTION 1-35 RESERVED

SECTION 1-36 RESERVED

SECTION 1-37 RESERVED

(ORDINANCE 76-1)

ARTICLE 5 - PENALTIES

SECTION 1-38

Any person found guilty of violating any provision of the Ordinance, shall be guilty of a misdemeanor and upon conviction thereof, shall be fined as follows:

(a) For overtime violation in a parking meter zone, paid within five (5) days of the notice of violation, the fine shall be Three (\$3.00) Dollars.

(b) For overtime violation in a parking meter zone when the fine is not paid within five (5) day of the issuance of the notice of violation, the fine shall be Five (\$5.00) Dollars.

(c) Where a vehicle is parked in a parking meter zone for a continuous period longer than two (2) hours, the fine shall be Five (\$5.00) Dollars.

(d) For stopping, standing and parking in violation of Sections 1-31.1 and 1-31.2, the fine shall be Seven (\$7.00) Dollars.

(e) For speeding in violation of Section 1-34, a fine shall be imposed in the amount of Fifteen (\$15.00) Dollars.

Ord
89-2

added
11/14/89

(f) The Board of Town Commissioners is hereby authorized to adopt by resolution, future Penalties and fines and rates of increase of fines upon non-payment as are necessary to carry out the provisions of this ordinance.

Ord
90-2

added
7/10/90

(g) for parking in a designated fire lane the fine shall be Fifty (\$50.00) Dollars

Ord
91-1

added
8/3/91

(h) A person to whom handicapped Plates or Permits have been issued and Parks in a Parking space equipped with a meter for more than twice the maximum time period Permitted on the Parking meter shall be Subject to a ten and No/100 (\$10.00) Dollar fine.